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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/555,388	11/02/2005	Shun Takahashi	ITO-101-PCT	9485		
77464	7590	08/18/2008	EXAMINER			
IPUSA, P.L.L.C			VOLZ, ELIZABETH J			
1054 31ST STREET, N.W.			ART UNIT			
Suite 400			PAPER NUMBER			
Washington, DC 20007			4177			
MAIL DATE		DELIVERY MODE				
08/18/2008		PAPER				

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/555,388	TAKAHASHI, SHUN	
	<b>Examiner</b>	<b>Art Unit</b>	
	ELIZABETH VOLZ	4177	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 02 November 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-5 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-5 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 02 November 2005 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/2/05, 2/9/07</u> .   | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Specification***

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The abstract is objected to since it exceeds 150 words in length.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 2 recites the limitation "the periphery projection" in Line 3. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

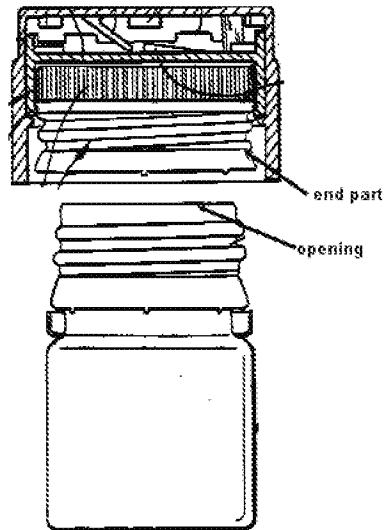
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

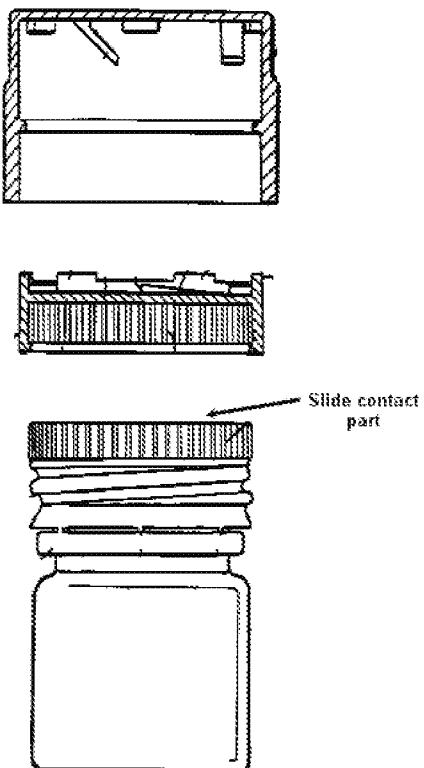
5. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Moretti (U.S. Patent No. 6,085,920).

6. Regarding Claim 1, Moretti discloses a safety container comprising: a container main body 5 (Figure 3); an internal cap 10 (Figure 3) configured to be fit to an opening part (Figure 7 below) of the container main body; and an external cap 20 (Figure 3) configured to be fit to the internal cap rotatably and moveably in upper and lower directions; wherein the external cap is not rotated with the internal cap in a case where only the external cap is rotated in an opening direction; wherein the external cap is rotated in a state where the external cap is pressed toward an internal cap side so that the external cap and the internal cap are engaged and the internal cap is opened and separated from the container main body (Column 3, Lines 35-41); wherein the safety container further comprises an inner ring 12 (Figure 3) having an end part (Figure 7 below) where an engaging part engaged at a top part of the opening part of the container main body is provided and another end part where a slide contact part (Figure 3 below) is provided; and wherein the internal cap is rotated with the external cap while the internal cap slides and contacts the slide contact part, by rotating the external cap in the opening direction in a state where the external cap is pressed toward the internal cap side until a rotation angle reaches a designated angle (Column 3, Lines 37-40).

**Figure 7 (Moretti)**



**Figure 3 (Moretti)**



7. Regarding Claim 2, as best understood, Moretti discloses a safety container wherein an elastic concave and convex structure 23 (Figures 1 and 3) is provided at the

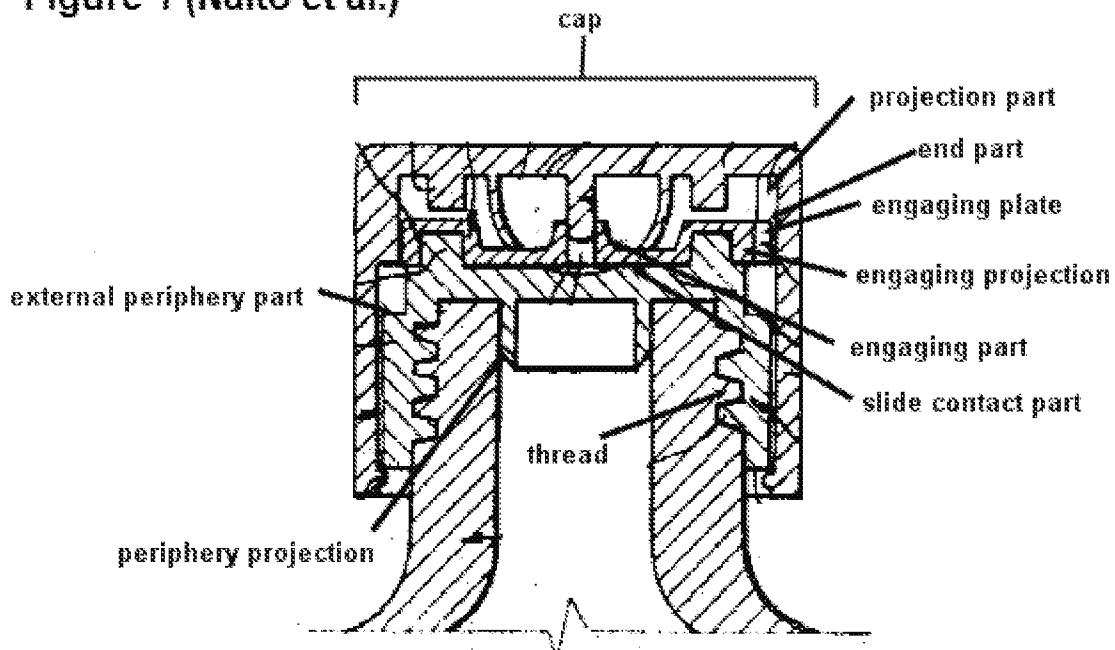
periphery projection 16 (Figure 3) and the slide contact part (Figure 3 above) so as to slide and contact while the external cap is rotated in the opening direction so that the periphery projection and the slide contact part receive a resistance force greater than a resistance force generated by rotating the external cap in the closing direction (Column 3, Lines 35-41).

8. Claims 3-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Naito et al. (U.S. Patent No. 3,843,006).

9. Regarding Claim 3, Naito et al. discloses a safety container comprising: a container main body D (Figure 1); a cap (Figure 1 below); and an inner ring C (Figure 1); wherein a thread (Figure 1 below) is formed on a periphery wall external surface of an opening part of the container main body; wherein the cap includes an internal cap A (Figure 1) and an external cap B (Figure 1) configured to be fit to the internal cap rotatably and moveably in upper and lower directions; wherein a thread 3 (Figure 1) engaging with the thread of the container main body is formed on a periphery wall internal surface of the internal cap (Figure 1); wherein the internal cap includes a periphery projection (Figure 1 below) provided on an internal surface of a top wall so as to be formed downward; an internal projection 6 (Figure 1) projecting upward from an external periphery part (Figure 1 below) of the top wall; and an engaging plate (Figure 1 below) fixed to a side surface of the internal projection, extending in a direction along a periphery wall, and having an end part (Figure 1 below) where a projection part is formed; wherein the projection part includes a tilt surface 13 (Figure 1) wherein a width is spread toward an external periphery side (Figure 1) in a direction along an external

periphery wall, and a stand surface 10 (Figure 1) provided in a center direction; wherein the external cap includes an external projection 7 (Figure 1) provided on an external periphery part of an internal surface of a top wall so as to be formed projecting downward; an engaging projection (Figure 1 below) projecting from a periphery wall internal surface; and an elastic body 11 (Figure 1) provided on an internal surface of the top wall so as to be formed facing downward and exerting a force on the internal cap by being pressed; wherein the inner ring includes an engaging part (Figure 1 below) engaged at a top part of the opening part of the container main body and an internal surface where a slide contact part (Figure 1 below) is provided; wherein the engaging projection comes in contact with the stand surface of the projection part so as to engage the engaging plate, and the internal cap is rotated together with the external cap so that the opening part is closed by the top wall, by rotating the external cap in the closing direction; wherein in a case where only the external cap is rotated in an opening direction, the engaging projection is slid by the tilt surface of the projection so that the engaging projection is not engaged with the engaging plate and the external cap is not rotated with the internal cap; and wherein, by rotating the external cap in the opening direction in a state where the external cap is pressed to a side of the internal cap, the elastic body is bent, the external projection is engaged with the inner projection, and the internal cap is rotated together with the external cap while the external surface of the periphery projection slides and contacts the slide contact part, so that the opening part is opened from the top wall (Column 1, Lines 7-11).

**Figure 1 (Naito et al.)**



10. Regarding Claim 4, Naito et al. discloses a safety container wherein an elastic concave and convex structure 11 (Figure 1) is provided at the periphery projection (Figure 1 above) and the slide contact part so as to slide and contact while the external cap is rotated in the opening direction so that the periphery projection and the slide contact part receive a resistance force greater than a resistance force generated by rotating the external cap in the closing direction (Column 4, Lines 58-68).

11. Regarding Claim 5, Naito et al. discloses a safety container, comprising: a container main body D (Figure 1); and a cap (Figure 1 above); wherein a thread (Figure 1 above) is formed on a periphery wall external surface of an opening part of the container main body; wherein the cap includes an internal cap A (Figure 1) and an external cap B (Figure 1) configured to be fit to the internal cap rotatably and moveably in upper and lower directions; wherein a thread 3 (Figure 1) engaging with the thread of

the container main body is formed on a periphery wall internal surface of the internal cap; wherein the internal cap includes an internal projection 6 (Figure 1) projecting upward from an external periphery part (Figure 1 above) of the top wall; an engaging plate (Figure 1 above) fixed to a side surface of the internal projection, extending in a direction along a periphery wall, and having an end part (Figure 1 above) where a projection part (Figure 1 above) is formed; wherein the projection part includes a tilt surface (Figure 1 above) wherein a width is spread toward an external periphery side (Figure 1) in a direction along an external periphery wall, and a stand surface 10 (Figure 1) provided in a center direction; wherein the external cap includes an external projection 7 (Figure 1) provided on an external periphery part of an internal surface of a top wall so as to be formed projecting downward; an engaging projection (Figure 1 above) projecting from an internal surface of a periphery wall; and an elastic body 11 (Figure 1) provided on an internal surface of the top wall so as to be formed facing downward and exerting a force on the internal cap by being pressed; wherein the engaging projection comes in contact with the stand surface of the projection part so as to engage the engaging plate, and the internal cap is rotated together with the external cap so that the opening part is closed by the top wall, by rotating the external cap in the closing direction; wherein, in a case where only the external cap is rotated in an opening direction, the engaging projection is slid by the tilt surface of the projection so that the engaging projection is not engaged with the engaging plate and the external cap is not rotated with the internal cap (Column 1, Lines 64-68; Column 2, Lines 1-2); wherein by rotating the external cap in the opening direction in a state where the external cap is

pressed to a side of the internal cap, the elastic body is bent, and the external projection is engaged with the inner projection, wherein, until the rotation angle reaches a designated angle, the engaging projection is slid and contacted by the tilt surface while the engaging projection receives a designated resistance, and the internal cap is rotated together with the external cap, so that the opening part is opened from the top wall (Column 2, Lines 3-5), and wherein a configuration of either the projection part or the engaging projection or configurations of both of the projection part and the engaging projection are adjusted so that a size of the resistance is adjusted.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ELIZABETH VOLZ whose telephone number is (571)270-5430. The examiner can normally be reached on Monday-Thursday, 8am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Quang Thanh can be reached on (571)272-4982. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/E. V./  
Examiner, Art Unit 4177

/Quang D. Thanh/  
Supervisory Patent Examiner, Art  
Unit 4177